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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 09-cv-3078 PA

Plaintiff,

TEMPORARY RESTRAINING ORDER

v.

CLIFFORD R. TRACY,

Defendant.

Upon consideration of the United States' complaint, motion for a temporary restraining order, and supporting materials:

This court finds that plaintiff, United States of America, has established that: it is likely to prevail on the merits of its trespass and ejectment claims because Defendant is occupying and operating a mining operation on public lands without lawful authority; irreparable harm to the environment has taken place and will continue to be suffered without a temporary restraining order; the balance of equities is in favor of the United States and it is in the public interest to temporarily restrain Defendant from further occupancy and mining without an approved plan of operation. Therefore,

IT IS HEREBY ORDERED that Defendant Clifford R. Tracy is enjoined until further order of this court from any occupancy and activity within the Rogue River-Siskiyou National Forest,


IT IS FURTHER ORDERED that the defendant, Clifford R. Tracy, shall not conduct mining operations at the Cedar Gulch Group placer mining claim within the Rogue River-Siskiyou National Forest; and

IT IS FURTHER ORDERED that the defendant, Clifford R. Tracy, shall not move or use any equipment, motor vehicles and personal property on the Rogue River-Siskiyou National Forest without written authority from the U.S. Forest Service.

The court finds that issuance of this order without notice to the Defendant is necessary due to the remote location of the Defendant and the land involved and that the United States attempted to provide personal oral notice to the Defendant but was unsuccessful.

A hearing on the United State's Motion for a Preliminary Injunction is set for September 21, 2009 at 1:30 p.m.

DATED this 10 day of Sept., 2009 at 3:00 p.m.


HONORABLE OWEN M. PANNER
United States District Judge

PRESENTED BY:
KENT S. ROBINSON
Acting United States Attorney


for NEIL J. EVANS
Assistant United States Attorney